

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ERIC CERVINI, WENDY DAVIS, DAVID
GINS, and TIMOTHY HOLLOWAY,

Plaintiff

VS

ELIAZAR CISNEROS, HANNAH CEH,
JOEYLYNN MESAROS, ROBERT
MESAROS, DOLORES PARK, and JOHN
and JANE DOES,

Defendants

Civil Action No. 1:21-cv-00565-RP

Hon. Robert Pitman

**DEFENDANT'S RESPONSE TO
PLAINTIFFS' MOTION TO COMPEL (ECF 109)**

COMES NOW, Eliazar Cisneros one of the Defendant in the above numbered and styled cause and files this his response to Plaintiffs' Motion to Compel production of document.

This Defendant states to the Court that, though he has agreed to fully cooperate and to provide the mobile phone to the Plaintiffs and has previously provided copies of the cell phone's contents, he has encountered complications in producing the physical cell phone and delivering it to the Plaintiffs' according to their requests to the production of the cell phone.

Attached hereto is the affidavit of the Defendant stating the reasons why he cannot at this time produce the Cell Phone.

Defendant further states that his inability to produce this item is not to frustrate the Plaintiffs or this Court but because of reasons beyond his control.

When the Defendant finds the Cell phone in question, he will promptly advise the Plaintiffs and make it available forthwith to them.

For these reasons Defendant Eliazar Cisneros requests that the court deny the Plaintiff's motion for an order to compel him to produce his mobile phone.

Respectfully submitted,

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COUNSEL FOR DEFENDANT
ELIAZAR CISNEROS

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2022, a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case File System of the Western District of Texas, in compliance with the Federal Rules of Civil Procedure as well as via e-mail pursuant to an agreement of the parties.

/S/Francisco R. Canseco